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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,623	10/14/2003	Julian B. Melendrez	ZIGPI02US	2622
24041	7590	12/19/2005	EXAMINER	
SIMPSON & SIMPSON, PLLC 5555 MAIN STREET WILLIAMSVILLE, NY 14221-5406			MCMAHON, MARGUERITE J	
			ART UNIT	PAPER NUMBER
			3747	
DATE MAILED: 12/19/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Melendrez (5,271,369) in view of Ettehadieh (5,063,368). Melendrez shows everything except utilizing a metal plate(s) disposed on an upper side of the magnet(s), wherein the magnet(s) and the metal plate(s) are of approximate size and shape such that substantial registration exists between the upper surface of the magnet and a planar surface of the metal plate. Ettehadieh teaches that it is old in the art to provide a metal plate 216 (see Figure 6) on the top surface of a pair of magnets 14.

It would have been obvious to one of ordinary skill in the art to modify Melendrez by providing a metal plate on the top surface of the magnet(s), in order to focus the direction of the magnetic field toward the fuel line, thus improving the efficiency of the magnets in magnetizing the fuel (see column 4, lines 10-20 of Ettehadieh). In addition, it would have been obvious to provide a second metal plate to cover the top of the second magnet assembly. According to MPEP 2144.04 VI (B), it has been held that mere duplication of parts has no patentable significance unless a new and unexpected

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result is produced. It would have been obvious to one of ordinary skill at the time the invention was made to provide a second metal plate, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

With respect to claim 17, it would have been prima facie obvious to substitute the north pole for the south pole as the pole adjacent the fuel line, since they are art recognized alternatives known for the same purpose, as evidenced by the various claims in the instant application citing the use of the south pole located adjacent the fuel line.

Response to Arguments

Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marguerite J. McMahon whose telephone number is 571-272-4848. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yuen Henry can be reached on 703-308-1946. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


MARGUERITE MCMAHON
PRIMARY EXAMINER